

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Gepp Post Office
Gepp, Arkansas

Docket No. A2011-60

**UNITED STATES POSTAL SERVICE RESPONSE TO PUBLIC
REPRESENTATIVE'S NOTICE OF EMERGENCY SUSPENSION AND
REQUEST FOR RELATED RELIEF**
(September 15, 2011)

On September 13, 2011, the Public Representative filed a Motion for Acceptance and a Notice of Emergency Suspension and Request for Related Relief ("Request"). The Request correctly informed the Commission that the Postal Service posted an emergency suspension notice at the Gepp, Arkansas Post Office and directed the current patrons of that office to the Post Office in Viola. The Public Representative requested equitable relief, in the form of giving both the Gepp Post Office's patrons and the Commission more detailed information about the emergency suspension.

The Public Representative, using the best information available to her at that time, explained that the reason for the emergency suspension was that the Officer in Charge required a five-day break in service. As the Postal Service explained to its customers in an Emergency Suspension Notice mailed on September 13, 2011 ("Notice") and included at the end of the Administrative Record filed on September 14, 2011,¹ however, the story is a bit more

¹ The Notice is not properly a part of the administrative record because it (and the emergency suspension) did not play a role in issuing the final determination. Indeed, the reasons for the emergency suspension postdated the final determination. Nonetheless, the Postal Service has added the Notice to the end

complicated than that: the Gepp Post Office was being run a Postmaster Relief (“PMR”), a non-career employee hired for a term not-to-exceed 360 calendar days, who was offered reappointment following her five-day break in service but declined the opportunity. The Postal Service has not yet been able to find a replacement to work in Gepp for the duration and thus took action to ensure that current patrons of Gepp would be able to continue receiving mail while the Postal Service continues its efforts to find a replacement.

The equitable relief that the Public Representative seeks is not available. The only relief that the Commission may grant is to suspend the effectiveness of a final determination. See 39 U.S.C. § 404(d)(5). Here, the emergency suspension was independent of the final determination. Moreover, the Postal Service did not suspend service in order to implement the final determination. Indeed, Postal Service regulations (in former 39 C.F.R. § 241.3(g)(3) and Handbook PO-101 § 52) make it clear that the Postal Service does not implement the discontinuance prior to disposition of an appeal of the final determination unless senior Postal Service management directs the agency to do so, and that did not occur here.

Accordingly, the Commission may not order any equitable relief with regard to the emergency suspension. In any event, the Postal Service has already provided the relief that the Public Representative seeks.

of the Administrative Record for ease of reference. However, the Commission is prevented from considering the fact of the suspension when reviewing the Postal Service’s final determination. 39 U.S.C. § 404(d).

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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September 15, 2011